

Appl. No. 09/617,036
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REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application.

Claims 40-53 and 55-79 are now present in this application. Claims 40, 55, 58, 62, 65, 69, 73 and 79 are independent.

Reconsideration of this application is respectfully requested.

Personal Interview

Applicants acknowledge with appreciation the courtesies extended by Examiner Lonsberry to their representative, Mr. Robert J. Webster, Reg. No. 46,472, during the personal interview conducted on August 29, 2008. During that interview, Applicants' representative presented arguments to the effect that the invention recited in claim 62 patentably defines over the applied art. Those arguments are included in the arguments presented, below.

Rejection Under 35 U.S.C. § 103

Claim 62 stands rejected under 35 U.S.C. § 102(e)/103(a) as being unpatentable over U.S. Patent 5,574,966 to Barzegar et al. ("Barzegar") in view of U.S. Patent 5,878, 324 to Borth et al. ("Borth"). This rejection is respectfully traversed.

A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

Applicants respectfully submit that the Barzegar does not convert a broadcast television signal including digital video and audio data into a format compatible with a signal and transmission standard of a mobile telephone network, as claimed (or a mobile cellular telephone network, as

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specifically claimed) and providing the converted format video and audio signal directly to a mobile network transmitter, as claimed (or a mobile cellular network transmitter, as specifically claimed).

Instead, Barzegar does no conversion of a broadcast TV signal until it has actually reached base station 101, which does the conversion and transmission in a format used by a mobile personal communicator 124, which has access to base station 101 "via radio links"(as disclosed, for example, in the sentence bridging cols. 1 and 2).

Nor does Barzegar disclose transmission of broadcast television to personal communicator 124 via telephone. In this regard, the word "telephone" is found in Barzegar only with respect to the connection between base station 101 and wide area network 131 via link 133 (col. 2, lines 3-8 and col. 3, lines 8-10). This disclosure does not constitute a disclosure of transmission of broadcast television to personal communicator 124 via telephone.

A fair, balanced reading of Barzegar discloses that Barzegar is directed to broadcasting a TV program as a unidirectional signal from wide area network 131 without any conversion whatsoever, to mobile radio transmitter 101, which re-broadcasts the received broadcast TV signal to a personal communicator and/or to "radios 123-1 through 123-4, which interact, respectively, with base station 101 to receive both common and sectorized services (col. 2, lines 49-52).

Accordingly, Barzegar fails to disclose a number of positively recited features of the claimed invention, including far more than just failing to disclose a cellular telephone transmission system.

The Office Action then turns to Borth, which is directed to a system for distributing digital multimedia HDTV signals to multimedia units in a cellular pattern. Borth also fails to disclose converting a broadcast television signal including digital video and audio data into a format compatible with a signal and transmission standard of a mobile telephone network, as claimed (or a mobile cellular telephone network, as specifically claimed) and providing the converted format video

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and audio signal directly to a mobile network transmitter, as claimed (or a mobile cellular network transmitter, as specifically claimed). Borth is completely silent with respect to how and where its multimedia HDTV signal is converted into a format compatible with a signal and transmission standard of a mobile cellular telephone network.

While Borth does disclose transmitting multimedia HDTV signals over a cellular telephone network, even if one of ordinary skill in the art were properly motivated to modify Barzegar in view of Borth to use cellular telephone transmission instead of mobile telephone transmission of TV signals, the resulting modified version of Barzegar would still not disclose, suggest, or otherwise render obvious the claimed invention, because neither Barzegar nor Borth discloses or suggests converting a broadcast television signal including digital video and audio data into a format compatible with a signal and transmission standard of a mobile cellular telephone network and providing the converted format video and audio channel directly to a mobile cellular network transmitter, as claimed. Another way of stating this is that Barzegar, the primary reference has no disclosure of this positively recited feature, and Borth, the secondary reference, never addresses this feature. So even if one of ordinary skill in the art were properly motivated to modify Barzegar to employ a mobile telephone transmission system (which Barzegar clearly does not do), the so - modified version of Barzegar would not have this positively recited feature.

Accordingly, the Office Action fails to make out a *prima facie* case of obviousness of claim 62.

Reconsideration and withdrawal of this rejection of claim 62 under 35 USC §103(a) as being unpatentable over Barzegar in view of Borth are respectfully requested.

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Allowed and Allowable Subject Matter

Applicants acknowledge with appreciation the allowance of claims 40-53, 55-61 and 63-79, and the indication that claims 63 and 64 contain allowable subject matter. Claims 63 and 64 have not been re-written in independent form, however, because Applicants believe that claim 62, from which claims 63 and 64 depend, patentable defines over the applied art, for reasons stated above.

CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Robert J. Webster, Registration No. 46,472, at (703) 205-8000, in the Washington, D.C. area.

Prompt and favorable consideration of this Amendment is respectfully requested.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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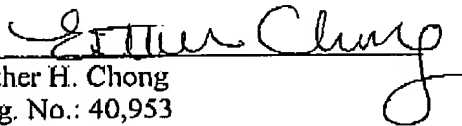
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Respectfully submitted,

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